

REMARKS AND ELECTION

The applicant elects Group I, directed to a radiation producing apparatus, **with traverse**. With this amendment, Group I is understood to include claims 1-14, 19-28, 30, 31, and 35-38.

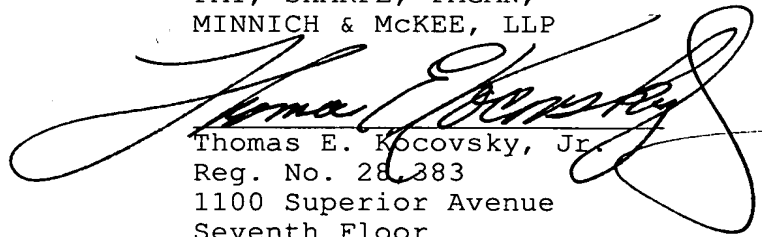
First, it is submitted that claims 15-18 should be examined with Group I. Independent claims 15 and 17 are each directed to a method of using the apparatus of claim 1. These method claims include all of the structural limitations of the apparatus of claim 1. Hence, upon allowance of claim 1, claims 15-18 will also be patentable.

New apparatus claim 38 and original method claim 29 are sufficiently interrelated that the method of claim 29 must be practiced by the apparatus of claim 38 and apparatus claim 38 is only useable to perform the method of claim 29. More specifically, claim 38 calls for an apparatus which includes means for performing each of the steps of method claim 29. Thus, a complete search for one is, *per force*, a complete search for the other. Accordingly, it is submitted that restriction of claim 29 from the apparatus claims is improper.

An early examination and allowance of claims 1-38 is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this **AMENDMENT A AND ELECTION** in connection with U.S. Patent Application Serial No. 10/090,573 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 on this 7th day of January, 2004.

By: Hilary McNulty